**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-14-014

PROJECT LOCATION INFORMAT	TION
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State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM 15, 315696E, 3238740N

Approximate size of area (parcel) reviewed, including uplands: 21 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 7 Jun 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-14-014

La	iteral	Extent of Jurisdiction: (Reference: 33 CFR parts 3	28 and 32	FILE NUMBER: SWG-05-14-0
£		linary High Water Mark indicated by: clear, natural line impressed on the bank	⊠ F	High Tide Line indicated by:
		the presence of litter and debris		oil or scum line along shore objects
	님	changes in the character of soil	i	fine shell or debris deposits (foreshore) physical markings/characteristics
	ď	destruction of terrestrial vegetation shelving	[	☐ tidal gages
		other:	l	other:
Ø	Mea □ s	n High Water Mark indicated by: survey to available datum;	vegetatio	ion lines/changes in vegetation types
	Wet	land boundaries, as shown on the attached wetland d s/Smith Environmental Services, Inc. See D-15301.	elineation	on map and/or in a delineation report prepared by:
	Unab Head	Artificial reflecting or swimming pools or other sn by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incide the purpose of obtaining fill sand or gravel unless	s of 33 CF e followin  ds or lago upland if in  d/or diki  ch purpos  nall ornan  er for prin  ntal to con  and until  ne definiti	FR part 328.3(a)(3).  ing waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3.  If the irrigation ceased. Sing dry land to collect and goes as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons.  Onstruction activity and pits excavated in dry land for ill the construction or excavation operation is tion of waters of the United States found at 33 CFR
[		Non-tidal drainage or irrigation ditches excavated of Other (explain):	n dry land	nd. Explain rationale:
	Data sh Th	VED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applies prepared/submitted by or on behalf of the applies office concurs with the delineation report, dated N is office does not concur with the delineation report, eets prepared by the Corps.	pplicant.	•
U U U U U U U U U U U U U U U U U U U	orps' .S. Ge .S. Ge .S. Ge .S. Ge SDA I ational ate/Lo EMA/I 0-year prial P her ph lvance e visit	navigable waters' studies: cological Survey Hydrologic Atlas: cological Survey 7.5 Minute Topographic maps: Virgological Survey 7.5 Minute Historic quadrangles: cological Survey 15 Minute Historic quadrangles: cological Survey 15 Minute Historic quadrangles: Natural Resources Conservation Service Soil Survey I wetlands inventory maps: I wetlands inventory maps: FIRM maps (Map Name & Date): r Floodplain Elevation is: (NGVD) hotographs (Name & Date): 1995 DOQQ totographs (Date): d Identification Wetland maps: //determination conducted on: cole/supporting case law: formation (please specify):		nt

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC **FILE NUMBER:** D-16757/(02)

PR	OJE	CT L	OCA	TION	INFO	DM A	TION.

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

29° 55' 18"N, 95° 14' 41"W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Greens and Garners Bayou

Name of watershed: Greens Bayou

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 22 June 2005

Site visit(s)

Date(s): 23 June 2005

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.57 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are located within the combined 100-year floodplain of Garners and Greens Bayou with no significant barriers between them. Greens Bayou, downstream, is navigable and subject to the ebb and flow of the daily tide.

**FILE NUMBER:** D-16757/(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Crouch Environmental Services **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated June 2005, prepared by (company): CESI ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Harmaston and Humble U.S. Geological Survey 7.5 Minute Historic quadrangles: 1920, 1946, 1954, 1967, 1982 Harmaston and Humble U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): November 1996 Harris County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): • 1995 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 23 June 2005 Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17664

## PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29° 46' 58"N, 95° 37' 26"W Approximate size of area (parcel) reviewed, including uplands: 53.19 acres.

Name of nearest waterway: Horsepen Creek Name of watershed: Addicks reservoir

#### JURISDICTIONAL DETERMINATION

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\$ there appear to be (or) \( \square\$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.543 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\bigcirc$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Horsepen Creek is located within the Addicks watershed and flows into Langham Creek. Langham Creek flows into Buffalo Bayou which, downstream, is navigable and subject to the ebb and flow of the daily tide

I a	taral F	vtent of Juniodictions (Defense 22 CDD 22		• • •	FILE NUMBER: D-1766
1.0	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 nary High Water Mark indicated by:			T'1 I' ' 1 ' 1 ' 1 ' 1 ' 1 ' 1 ' 1 ' 1 '
leading to the same of the sam	, П	clear, natural line impressed on the bank		Hign	Tide Line indicated by:
	Ö	the presence of litter and debris		H	oil or scum line along shore objects
		changes in the character of soil		H	fine shell or debris deposits (foreshore)
	Ħ	destruction of terrestrial vegetation		H	physical markings/characteristics
		shelving		H	tidal gages
		other:		ш	other:
	_				
5/4	Mean	High Water Mark indicated by:			
	☐ su	rvey to available datum; Dhysical markings; D	vegetat	ion l	ines/changes in vegetation types.
×	Wetla	and boundaries, as shown on the attached wetland del	lineatio	on m	ap and/or in a delineation report prepared by:
	sis For	Not Asserting Jurisdiction:			
部	The re	eviewed area consists entirely of uplands.			
<u> </u>	Unab	le to confirm the presence of waters in 33 CFR part 3	28(a)(	1, 2,	or 4-7).
	The	quarters declined to approve jurisdiction on the basis	of 33 (	CFR	part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that the d States:	follow	ing '	waters present on the site are not Waters of the
			1		22 077
		Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to u	s or la	goon	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating an	d/or di	u une kina	drugation ceased.
		retain water and which are used exclusively for suc	h nurn	oses	as stock watering irrigation sattling basing or
		rice growing.	n purp	oses	as stock watering, irrigation, setting basins, or
		Artificial reflecting or swimming pools or other sm	all orn	ame	ntal bodies of water created
		by excavating and/or diking dry land to retain water	r for pi	rimai	rily aesthetic reasons.
		Water-filled depressions created in dry land incider	ital to	cons	truction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless	and un	itil th	ne construction or excavation operation is
		abandoned and the resulting body of water meets th	e defir	nitio	n of waters of the United States found at 33 CFR
		328.3(a).			
	H	Isolated, intrastate wetland with no nexus to intersta	ate con	nmer	rce.
		Prior converted cropland, as determined by the Nati	uiai K	Sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated o	n dry l	and.	Explain rationale:
		Other (explain):			
DATA	REVIE	WED FOR JURSIDICTIONAL DETERMINATION	ON (m	ark	all that apply):
	Maps,	plans, plots or plat submitted by or on behalf of the a	pplica	nt.	
M	Data s	heets prepared/submitted by or on behalf of the appli	cant.		
	A H	his office concurs with the delineation report, dated 1	July 2	005,	
	Doto d	nis office does not concur with the delineation report, heets prepared by the Corps.	dated		, prepared by (company):
	Corns'	'navigable waters' studies:			
		eological Survey Hydrologic Atlas:			
茵		deological Survey 7.5 Minute Topographic maps: 199	5 Cyn	recc	
図	U.S. G	deological Survey 7.5 Minute Historic quadrangles: 1	915 C	vnre	22
	U.S. G	beological Survey 15 Minute Historic quadrangles:	,,,,,	J pro	33
$\boxtimes$	USDA	Natural Resources Conservation Service Soil Survey	v: 1976	6 Har	ris Co.
		al wetlands inventory maps:			
W		Local wetland inventory maps:			
図		/FIRM maps (Map Name & Date):			
<b>68</b>		ear Floodplain Elevation is: (NGVD)			
X		Photographs (Name & Date): 1995 DOQQ			
		photographs (Date):			
		ced Identification Wetland maps:			
		sit/determination conducted on: 29 November 2005 able/supporting case law:			
		information (please specify):			
لنتنا	~vi I				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC **FILE NUMBER:** D-16405/(02)

### PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 865 acres.

Name of nearest waterway: Bear Creek
Name of watershed: Addicks Reservoir

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 14 December 2005
Site visit(s) Date(s): 2 Novembr 2005

### Jurisdictional Determination (JD):

虚	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the appear
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 41.57 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-16405/(02)

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
38	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
•	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	oue.
**	Mean High Water Mark indicated by:
U394	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	auvey to available datum, physical markings, vegetation intestchanges in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
-	SWCA
Bas	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
网	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
菌	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
******	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	observation of extra frequency of the result in the state of the result in the constitution of excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Thoi convened cropiand, as determined by the Natural Resources Conservation Service. Explain rationale.
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	— Other (orphan).
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
図図	Data sheets prepared/submitted by or on behalf of the applicant.
****	This office concurs with the delineation report, dated 3 October 2005, prepared by (company): SWCA
	This office does not concur with the delineation report, dated , prepared by (company):
3	Data sheets prepared by the Corps.
菌	Corps' navigable waters' studies:
ā	U.S. Geological Survey Hydrologic Atlas:
X	U.S. Geological Survey 7.5 Minute Topographic maps: 1977 Warren Lake
1	U.S. Geological Survey 7.5 Minute Historic quadrangles:
菌	U.S. Geological Survey 15 Minute Historic quadrangles:
茵	USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County
	National wetlands inventory maps:
掃	State/Local wetland inventory maps:
茵	FEMA/FIRM maps (Map Name & Date): Harris County, Nov 1996
旨	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): 1930, 1944, 1969, 1978, 1986, 2000, 2002 & 2004 Aerial Photos
嚣	Other photographs (Date): Site photographs
	Advanced Identification Wetland maps:
	Site visit/determination conducted on: 2 November 2005
	Applicable/supporting case law:
57E	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-18015

# PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28° 58′ 40″N, 95° 15′ 50″W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Intracoastal Waterway
Name of watershed: Intracoastal Waterway

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 3 January 2006

Site visit(s) Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands i.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The FEMA floodplain map indicates that the project area lies within the 100 year floodplain of the Intracoastal Waterway (Zone VE). The 1995 infrared aerial photograph indicates that the project area is located within the Bayview Subdivision, Brazoria County, Texas. The infrared photo appears to contain wetland features that could be subject to the ebb and flow of the daily tide of the Intracoastal Waterway, a navigable water of the United States. Also, the project site appears to contain wetland areas that meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual, and could be adjacent wetlands to the Intracoastal Waterway.

FILE NUMBER: D-18015

La	teral E	Extent of Jurisdiction: (Reference: 33 CFR parts 3	
*	Oran	nary High Water Mark indicated by:	High Tide Line indicated by:
		clear, natural line impressed on the bank the presence of litter and debris	<ul><li>oil or scum line along shore objects</li><li>fine shell or debris deposits (foreshore)</li></ul>
		changes in the character of soil	physical markings/characteristics
		destruction of terrestrial vegetation	tidal gages
		shelving	other:
		other:	
8	Mean	High Water Mark indicated by:	
•		urvey to available datum; physical markings;	
	Wetla	and boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.	
		le to confirm the presence of waters in 33 CFR par	ort 328(a)(1 2 or 4-7)
	Head	quarters declined to approve jurisdiction on the bas	asis of 33 CFR part 328.3(a)(3).
	The C	Corps has made a case-specific determination that t	the following waters present on the site are not Waters of the
	Unite	ed States:	
	H	Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CFR part 328.3.
		Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating	to upland if the irrigation ceased.
	ш	retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or
		rice growing.	such purposes as stock watering, irrigation, setting basins, or
		Artificial reflecting or swimming pools or other	small ornamental bodies of water created
		by excavating and/or diking dry land to retain wa	vater for primarily aesthetic reasons.
		the purpose of obtaining fill sand or gravel unle	idental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is
		abandoned and the resulting body of water meets 328.3(a).	ts the definition of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inter	erstate commerce.
			Natural Resources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated	ed on dry land. Explain rationale:
		Other (explain):	
DATA F	EVIE	WED FOR JURSIDICTIONAL DETERMINA	ATION (mark all that apply):
×	Maps,	plans, plots or plat submitted by or on behalf of the	he applicant.
100	Data s	heets prepared/submitted by or on behalf of the ap	pplicant.
			, prepared by (company):
		his office does not concur with the delineation reposters prepared by the Corps.	oort, dated , prepared by (company):
	Corps'	' navigable waters' studies:	
2	U.S. G	Geological Survey Hydrologic Atlas:	
×	U.S. G	Geological Survey 7.5 Minute Topographic maps: F	Freeport, TX
	U.S. G	Geological Survey 7.5 Minute Historic quadrangles	s:
	U.S. G	Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Sur	ii
氮	Nation	nal wetlands inventory maps: Freeport, TX	ivey: Brazona, 1A
		Local wetland inventory maps:	
	FEMA	VFIRM maps (Map Name & Date): Panel: 48039	9C0785 I (May 4, 1992)
	100-ye	ear Floodplain Elevation is: (NGVD)	
		Photographs (Name & Date): Freeport TX DOQQ	Q - 1995
		photographs (Date): aced Identification Wetland maps:	
嵩		sit/determination conducted on:	
3		cable/supporting case law:	
		information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** FILE NUMBER: D-17791 (Site 1) PROJECT LOCATION INFORMATION: State: Texas County: Harris County Center coordinates of site (latitude/longitude): 29° 52' 35"N, 95° 21' 40"W (NAD83) Approximate size of area (parcel) reviewed, including uplands: 0.35 acres. Name of nearest waterway: Halls Bayou Name of watershed: Buffalo-San Jacinto JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 04 January 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No П Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	2
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: D-17791 (Site 1)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Humble  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Advanced Identification Wetland Inventory map Humble, Tx. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 490 of 1135  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Humble DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** FILE NUMBER: D-17791 (Site 2) PROJECT LOCATION INFORMATION: State: Texas County: Harris County Center coordinates of site (latitude/longitude): 29° 57' 00"N, 95° 22' 32"W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 0.25 acres. Name of nearest waterway: Greens Bayou Name of watershed: Buffalo-San Jacinto JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 04 January 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear the limit the limit there appear the limit the limit the limit the limit there appear the limit the li United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	2
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil characteristics characteristics characteristics characteristics of ther:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas Manual Manual Manu	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Aldine  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acount Resources Conservation Service Soil Survey:  National wetlands inventory maps: National Wetland Inventory map Aldine, Tx. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 460 of 1135  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Aldine DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FIL	E N	CT OFFIC UMBER: CT LOCA		CESWG D-9032/01 FORMATION:							
	Stat	te:	Texas Harris								
			ates of si	te (latitude/longitu	de):				95° 46' 95° 46'		
	Nea	rest Waterv	way: Mas	a (parcel) N/A son , South Mayde ffalo/San Jacinto	, Bear and			30 N,	<i>33</i> 40	13 W	
		npleted:		RMINATION determination (s)	⊠ ⊠	Date: Date(s):		05/06 04 and 5/24	./05		
	Jur	isdictional	Determi	nation (JD):							
		Preliminar United Sta (Reference	ites" and/	ased on available i or "navigable wate part 331).	nformatior ers of the U	n,   there Inited Stat	appear es" on th	to be (or) he project	☐ <i>there ap</i> site. A prel	pear to be no iminary JD i	o "waters of the s not appealable
	X	Approved Check all	JD – An that apply	approved JD is an	appealable	e action (R	eference	e 33 CFR <sub>I</sub>	oart 331).		
		There of the review	are "navi ed area.	gable waters of the Approximate size	United St	tates" (as d tional area	efined t	y 33 CFR		d associated	guidance) within
		There of reviewed a	are "wate area. App	rs of the United St proximate size of ju	ates" (as our isdiction	defined by al area: _	33 CFR 25.70ac	2 part 328 a	and associat	ed guidance)	) within the
		☑ There a	are "isola ⊠	nted, non-navigable Decision supporte Jurisdiction.	<i>e, intra-sta</i> d by SWA	ate waters of NCC/Mig	or wetla ratory B	nds" withing ird Rule In	n the review	ved area. Sheet for Det	termination of No
;	A.	Waters de The presen	efined un ace of wat	AL DETERMIN der 33 CFR part ers that are subject susceptible for use	329 as "na t to the ebl	and flow	of the ti	de and/or	are presentl	y used, or ha	ve been used in
	B.	(1) The pre	esence of	der 33 CFR part waters, which are commerce, includ	currently u	used, or we	re used	in the past	, or may be	susceptible t	to use in
THE PROPERTY OF THE PROPERTY O		(2) The pre (3) The pre sandflats, v destruction (i) wh	esence of esence of wetlands, of which ich are on which	interstate waters in other waters such sloughs, prairie pon a could affect inter could be used by fish or shellfish an	ncluding ir as intrastate otholes, we state comminterstate of the or could	nterstate we te lakes, ri- et meadown merce inclu- or foreign to be taken a	etlands <sup>1</sup> . vers, stres, playa ding an ravelers and sold	eams (inclustates)  lakes, or n  y such wate for recrea  in intersta	uding internatural ponders (check attional or other terms)	nittent stream s, the use, de all that apply her purposes n commerce.	gradation or ):
	X I	<ul><li>(4) Impoun</li><li>(5) The pre</li><li>(6) The pre</li></ul>	dments of sence of sence of	or could be used for of waters otherwise a tributary to a wa territorial seas. wetlands adjacent	defined a ter identifi	s waters of ed in (1) –	the US (4) abo	ve.			o other wetlands.

FILE N	MBER: D-9032/01
Lateral	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank  changes in the character of soil  destruction of terrestrial vegetation  shelving  ordinary High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: PBS&J
Bas	For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Jnable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  daps, plans, plots or plat submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _Sept 16, 2005 _, prepared by (company): PBS&J  This office does not concur with the delineation report, dated _, prepared by (company):  ata sheets prepared by the Corps.  orps' navigable waters' studies:  S. Geological Survey Hydrologic Atlas:  S. Geological Survey 7.5 Minute Topographic maps: Katy, Warren Lake, Texas  S. Geological Survey 7.5 Minute Historic quadrangles:  S. Geological Survey 15 Minute Historic quadrangles:  SDA Natural Resources Conservation Service Soil Survey: Harris County Soil Survey ational wetlands inventory maps:  ate/Local wetland inventory maps:  ate/Local we

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

FILE	RICT OFFICE: CESWG NUMBER: D-9032/02
S	ECT LOCATION INFORMATION:  ate: Texas
	ounty: Harris enter coordinates of site (latitude/longitude): Begin 30° 00' 00"N, 95° 46' 15"W
N	End 30° 03' 07"N, 95° 36' 57"W  pproximate size of area (parcel) N/A  earest Waterway: Little Cypress Creek and Willow Creek  ame of watershed: Spring Creek
JURIS	DICTIONAL DETERMINATION
C	Desktop determination Site visit(s)  Date: 01/05/06  Date(s): 06/02/05
Ju	risdictional Determination (JD):
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:10.38ac
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
3	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.
	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

FILE NUMBER:

D-9032/02

Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   Ordinary High Water Mark indicated by:   clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   changes in the character of soil   physical markings/characteristics   destruction of terrestrial vegetation   destruction of terrestrial vegetation   other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: PBS&J
Bas Silver Silve	Sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _October 11, 2005_, prepared by (company): PBS&J _ This office does not concur with the delineation report, dated _, prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Warren Lake, Ross Hill, Tomball, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Atlantal Resources Conservation Service Soil Survey: Harris County Soil Survey  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): FEMA Q3, 2000  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): HGAC 20023  Other photographs (Date): Site photos  Advanced Identification Wetland maps:  Site visit/determination conducted on: 6/02/05  Applicable/supporting case law:  Other information (please specify): Consultant's report

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Co Ce Ap	ICT OFFICE: CESWG IUMBER: D-17890 CCT LOCATION INFORMATION: tte: Texas unty: Harris nter coordinates of site (latitude/longitude): 29° 55′ 56″N, 95° 24′ 06″W proximate size of area (parcel) 7.6-ac arest Waterway: Greens Bayou me of watershed: Buffalo/San Jacinto
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	<ul> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or</li> </ul>
	destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
	(1) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER:

D-17890

Lateral	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _, prepared by (company):  This office does not concur with the delineation report, dated _, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Humble  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  SEMA/FIRM maps (Map Name & Date): 48201C0470J, Nov 6,1996  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 2005 TeleAtlas  Other photographs (Date): Site photos  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: CESWG-PE-RC IUMBER: D-17779
Sta Co Ce Ap Na	CCT LOCATION INFORMATION: ate: Texas unty: Polk County nter coordinates of site (latitude/longitude): 30° 43' 12"N, 94° 56' 25"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jui	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all understates.
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

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Ë	Ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  High Tide Line indicated by:  Oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	☐ changes in the character of soil       ☐ physical markings/characteristics         ☐ destruction of terrestrial vegetation       ☐ tidal gages
	shelving other:
	other:
	Mean High Water Mark indicated by:
a	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ra	sis For Not Asserting Jurisdiction:
$\boxtimes$	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
Ø	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):
	Data sheets prepared by the Corps.
밁	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
図	U.S. Geological Survey 7.5 Minute Topographic maps: 1984 and 1958 Livingston
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Polk and San Jacinto Counties, Generated from the NRCS
website	Natural Resources Conservation Service Soil Survey: Polk and San Jacinto Counties, Generated from the NRCS
	National wetlands inventory maps: National Wetland Inventory map Livingston, Tx. 1987
	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): City of Livingston, Texas Panel 1 of 2, 01/02/76
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): 1995 Livingston DOQQ
H	Other photographs (Date): Advanced Identification Wetland maps:
固	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE	RICT OFFI NUMBER:	D-17608	3				
	State: County:	ATION INFORMA Texas Harris					
1	Approximate : Nearest Water	nates of site (latitude size of area (parcel) rway: Willow Creel ershed: Spring Creek	620-acres k	30° 03	3' 14"N, 95° 39'	20"W	
		AL DETERMINAT  Desktop determina  Site visit(s)		Date: Date(s):	01/06/06 11/17/05 and 11/22/0	5	
	[urisdictions]	l Determination (J	•	(-).		•	
	Prelimina United St	ary JD - Based on av	vailable informationable waters of the	on,  there United State	appear to be (or) the s" on the project site.	nere appear to be no "w A preliminary JD is no	raters of the tappealable
ļ	Approved Check all	d JD – An approved I that apply:	JD is an appealab	ole action (R	eference 33 CFR part 3	31).	
	There the review	e are "navigable wate wed area. Approxim	ers of the United a	States" (as d ctional area:	efined by 33 CFR part	329 and associated guid	lance) within
	☑ There reviewed	are "waters of the larea. Approximate	United States" (as size of jurisdiction	s defined by onal area:	33 CFR part 328 and a 50.03-acres	ssociated guidance) wit	hin the
		are "isolated, non-index Decision Jurisdiction	supported by SW	tate waters of ANCC/Mign	r wetlands" within the atory Bird Rule Inform	reviewed area. nation Sheet for Determ	ination of No
BASI		DICTIONAL DET					
200	The present	nce of waters that ar	re subject to the el	bb and flow	aters of the United State of the tide and/or are presented or foreign commerce.	resently used, or have b	een used in
-	(1) The pr	resence of waters, w	hich are currently	used, or we	of the United States": re used in the past, or n are subject to the ebb ar	nay be susceptible to us	se in
	(2) The process (3) The process (3) The process (3) Sandflats,	resence of interstate resence of other wat wetlands, sloughs, p	waters including ers such as intrast prairie potholes, v	interstate we ate lakes, riv vet meadows	tlands <sup>1</sup> . ers, streams (including , playa lakes, or natura	; intermittent streams), i l ponds, the use, degrad	mudflats, lation or
	☐ (i) wl ☐ (ii) fr	hich are or could be rom which fish or sh	used by interstate ellfish are or coul	or foreign to ld be taken a	ding any such waters (dravelers for recreational and sold in interstate or	l or other purposes. foreign commerce.	
E	☐ (iii) v 【 (4) Impou	indments of waters of	otherwise defined	as waters of		ite commerce.	
2	(5) The pr (6) The pr	resence of a tributary resence of territorial		fied in (1) –	(4) above.		
Ē	(7) The pr	esence of wetlands	adjacent <sup>2</sup> to other	waters of th	e US, except for those	wetlands adjacent to oth	her wetlands.
_							

	2
FILE N	UMBER: D-178608
Lateral ⊠	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: PBS&J
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _December 2, 2005 _, prepared by (company): PBS&J  This office does not concur with the delineation report, dated _, prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rose Hill  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey: Harris County Soil Survey  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 48201C0220 J, Nov 6, 1996  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 DOQQ, 2004 True Color  Other photographs (Date): Site photos  Advanced Identification Wetland maps:  Site visit/determination conducted on: 7/17/05 and 7/22/05  Applicable/supporting case law:

Applicable/supporting case law:

Other information (please specify): Consultant's report

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: CESWG-PE-RC UMBER: D-17781
Sta Co Ce Ap Na	CT LOCATION INFORMATION: te: Texas unty: Harris County nter coordinates of site (latitude/longitude): 29° 52' 58"N, 95° 21' 47"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jui	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. 3	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
***************************************	onale for the Basis of Jurisdictional Determination (applies to any boyes checked above). If the invisdictional

<b>T</b> -	Accel To 4 A CT A Mark Company	FILE NUMBER: D-17781
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 3  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Bas Marie Marie M	United States:  Waste treatment systems, including treatment polymer and including treatment polymer. Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing.  Artificial reflecting or swimming pools or other some by excavating and/or diking dry land to retain water water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to interpretation.	is of 33 CFR part 328.3(a)(3).  the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3.  to upland if the irrigation ceased.  and/or diking dry land to collect and ouch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created of the for primarily aesthetic reasons.  Idental to construction activity and pits excavated in dry land for sea and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR estate commerce.  Statural Resources Conservation Service, Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the application of this office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey National wetlands inventory maps: National Wetland Inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County, 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	e applicant.  plicant.  plicant.  prepared by (company):  rt, dated, prepared by (company):  995 Humble  rey: Harris County entory map Humble, Tx. 1999  Texas Panel 490 of 1135, revised November 6, 1996

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: I-5052

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

29° 35′ 35″N, 95° 34′ 53″W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Oyster Creek Name of watershed: Oyster Creek

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 January 2006 Date(s): 6 January 2006

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: A site visit and desk review of the above information was performed 6 January 2006. The site under investigation is located just east of Dulles Boulevard on Oyster Creek, Fort Bend County, Texas. The investigation was to determine whether or not a dam or wier was constructed in Oyster Creek. The USGS topographic map indicates a water of the United States, Oyster Creek, is located in the investigation area. The FEMA floodplain map indicates that investigated site is located within the 100 year floodplain of Oyster Creek. The infrared photo does appear to contain wetland features within the investigated area that meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual and appear to be within Oyster Creek. During the 6 January 2006 site visit, there was no evidence of a dam or weir within Oyster Creek. The banks of the creek looked to be maintained by a mower but no work or fill was evident at the time of the site visit. Therefore, there is no evidence of a violation of Section 404 of the Clean Water Act at the project site. Section 404 regulates the discharge of dredge and/or fill material within these areas into any waters of the United States, including wetlands.

2 FILE NUMBER: I-5052 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Missouri City, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Fort Bend County National wetlands inventory maps: Missouri City, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel: 48157C0255 J (Jan. 3, 1997) 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Missouri City, TX SID DOQQ -1995

Other photographs (Date):

Applicable/supporting case law: Other information (please specify):

Advanced Identification Wetland maps:

Site visit/determination conducted on: 6 January 2006

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17985

PR	O.	IF.	СТ	T.	O	CA	T	10	N	IN	JE	()	D N.	Æ A	TI	ON

State: TX
County: Ft Bend

Center coordinates of site (latitude/longitude): UTM 15 257083E 3277732N (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Mustang Bayou

Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 01-09-06
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
    - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-17985

La <b>3</b>	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company): Phase One Tech Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soli Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	CT OFFICE: CESWG-PE-RC UMBER: D-17794 (Site 1)
Stat Cou Cen App Nan	ce: Texas unty: Harris County ter coordinates of site (latitude/longitude): 29° 52' 36"N, 95° 21' 27"W (NAD27) proximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Halls Bayou ne of watershed: Buffalo-San Jacinto
	ICTIONAL DETERMINATION  npleted: Desktop determination
Juri	isdictional Determination (JD):
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS O	F JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.  (7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
	onale for the Basis of Jurisdictional Determination (applies to any hoves checked above). If the jurisdictional

T a	toral E	Twent of Invisdictions (D.C., 22 CDD			FILE NUMBER: D-17794 (Site 1)
n	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 3 nary High Water Mark indicated by:			Lamita y to the second
•	, <u> </u>	clear, natural line impressed on the bank	ш	High	h Tide Line indicated by:
		the presence of litter and debris		H	oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil		H	physical markings/characteristics
		destruction of terrestrial vegetation		Ħ	tidal gages
		shelving		Ħ	other:
		other:			outer.
U	Mean	High Water Mark indicated by:			
	∐ sı	urvey to available datum; 🔲 physical markings; 🗌	] vegeta	tion	lines/changes in vegetation types.
П	Wetl:	and houndaries as shown on the attack of and a	1 10		**
<b>1</b>	***************************************	and boundaries, as shown on the attached wetland of	aeiineati	on m	ap and/or in a delineation report prepared by:
Bas	sis For	Not Asserting Jurisdiction:			
	The re	eviewed area consists entirely of uplands.			
	Unab	le to confirm the presence of waters in 33 CFR part	t 328(a)(	1, 2,	or 4-7).
	The	quarters declined to approve jurisdiction on the bas	is of 33	CFR	part 328.3(a)(3).
	Unite	Corps has made a case-specific determination that the States:	he follow	ving	waters present on the site are not Waters of the
			nda on la		22 CDD
		Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to	unland	goor	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating	and/or d	II UIC ikina	t dry land to collect and
		retain water and which are used exclusively for s	uch purr	oses	as stock watering irrigation settling begins on
		nce growing.			
		Artificial reflecting or swimming pools or other s	mall orn	ame	ntal bodies of water created
		by excavating and/or diking dry land to retain wa	ter for p	rimai	rily aesthetic reasons
		water-filled depressions created in dry land incid	ental to	cons	fruction activity and nits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unles	ss and u	itil th	ne construction or excavation operation is
		abandoned and the resulting body of water meets 328.3(a).	the dem	nitioi	1 of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inter-	state cor	nmei	rce
		Prior converted cropland, as determined by the N	atural Re	esour	rces Conservation Service Explain rationale:
		Non-tidal drainage of irrigation ditches excavated	on dry	land.	Explain rationale:
	L	Other (explain):			•
DATA R	EVIEV	WED FOR JURSIDICTIONAL DETERMINAT	ION (m	ark	all that apply).
	waps,	plans, plots or plat submitted by or on behalf of the	e applica	nt.	an mat apply).
Ш	Data sh	heets prepared/submitted by or on behalf of the app	licant.		
	니 Th	nis office concurs with the delineation report, dated			, prepared by (company):
	☐ Th	his office does not concur with the delineation report	rt, dated		, prepared by (company):
	Data Si	neers prepared by the Corps.			
H	LIS C	navigable waters' studies: eological Survey Hydrologic Atlas:			
岗	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic maps: 19	005 11	1.1.	
	U.S. G	eological Survey 7.5 Minute Topographic maps: 19	93 Hum	ible	
	U.S. G	eological Survey 15 Minute Historic quadrangles:			
	USDA	Natural Resources Conservation Service Soil Surve	ev:		
	Nationa	al wetlands inventory maps: National Wetland Inve	ntory m	ap H	umble. Tx. 1999
	State/L	ocal wetland inventory maps:			
	FEMA/	FIRM maps (Map Name & Date): Harris County,	Texas Pa	inel 4	490 of 1135
	100-yea	ar Floodplain Elevation is: (NGVD)			
	ntriai i Other -	Photographs (Name & Date): 1995 Humble, Tx. DO hotographs (Date):	)QQ		
	ouici p Advano	ed Identification Wetland maps:			
	Site vis	it/determination conducted on:			
		able/supporting case law:			
	Other in	nformation (please specify):			
		- • • • • • • • • • • • • • • • • • • •			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	NUMBER: D-17794 (Site 2)
St Co Co Ap Na	ECT LOCATION INFORMATION:  ate: Texas  county: Harris County  conter coordinates of site (latitude/longitude): 29° 52' 40"N, 95° 20' 29"W (NAD27)  coproximate size of area (parcel) reviewed, including uplands: 0.25 acres.  acres.  acres.  acres.  acres.  acres.  acres.  acres.  acres.
	DICTIONAL DETERMINATION  ompleted: Desktop determination
Ju	risdictional Determination (JD):
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.
D - 4	

	2
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas M	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Humble  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Asturnal Resources Conservation Service Soil Survey:  National wetlands inventory maps: National Wetland Inventory map Humble, Tx. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 490 of 1135  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Humble, Tx. DOQQ  Other photographs (Name & Date): 1995 Humble, Tx. DOQQ  Other photographs (Name & Date): 1995 Humble, Tx. DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

		ICT OFFICE: CESWG-PE-RC UMBER: D-17794 (Site 3)
PRO	Sta Cor Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Harris County nter coordinates of site (latitude/longitude): 29° 53' 14"N, 95° 16' 30"W (NAD27) proximate size of area (parcel) reviewed, including uplands:
JUR		DICTIONAL DETERMINATION  mpleted: Desktop determination
	Jur	isdictional Determination (JD):
		Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BAS	IS C	OF JURISDICTIONAL DETERMINATION:
	A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
		(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
		<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

2 FILE NUMBER: D-17794 (Site 3) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated \_, prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 and 1967 Humble U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: National Wetland Inventory map Humble, Tx. 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 495 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Humble, Tx. DOQQ

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FIL	ΕN	RICT OFFICE: CESWG NUMBER: D-17336 ECT LOCATION INFORMATION:	
1100	Sta	tate: Texas ounty: Harris	
	Cer App Nea	enter coordinates of site (latitude/longitude): pproximate size of area (parcel) N/A earest Waterway: Spring Creek ame of watershed: San Jactino River	30° 05' 50"N, 95° 23' 27"W
		DICTIONAL DETERMINATION  ompleted: Desktop determination  Site visit(s)	Date: 01/09/06 Date(s): 7/13/05
	Jur	risdictional Determination (JD):	
		Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331).	n, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Ø	Approved JD – An approved JD is an appealable Check all that apply:	e action (Reference 33 CFR part 331).
		There are "navigable waters of the United Stathe reviewed area. Approximate size of jurisdict	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There are "waters of the United States" (as dreviewed area. Approximate size of jurisdictions	defined by 33 CFR part 328 and associated guidance) within the al area:47.09-acres
		There are "isolated, non-navigable, intra-sta Decision supported by SWA Jurisdiction.	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
4	A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transport	and flow of the tide and/or are presently used, or have been used in
24	2	(1) The presence of waters, which are currently u	used, or were used in the past, or may be susceptible to use in
	1	(2) The presence of interstate waters including in (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comm.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
		(ii) from which fish or shellfish are or could (iii) which are or could be used for industrial	or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. l purposes by industries in interstate commerce.
	X I	(4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identified (6) The presence of territorial seas.	ed in (1) – (4) above.
	20	1/1 The presence of wetlands adjacent to other w	vaters of the US except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to unnamed tributary to Spring Creek that flows into San Jacinto River, a navigable water of the United States.

	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: DCH Environmental
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Environm	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _revision, Dec 20, 2005 _, prepared by (company): DCH lental  This office does not concur with the delineation report, dated _, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Spring  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Topographs (Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE	N	CT OFFICI UMBER: CT LOCAT		CESWG D-17610 IFORMATION:				
S	Stat	te: T	`exas					
		•	Iarris					
A	App Vea	proximate siz rest Waterw	e of are ay: Bea	a (parcel) 4.7-ac	ude): 29°	' 50' 03"N	, 95° 34' 25"W	
JURI	SD	ICTIONAL	DETE	RMINATION				
				determination	$\boxtimes$	Date:	01/09/06	
			ite visit		Ø	Date(s):	10/21/05	
J	uri	isdictional I	etermi	nation (JD):				
		Preliminary United State (Reference	es" and	or "navigable wa	information ters of the	on, [] there a United States	ppear to be (or) there app on the project site. A prelim	near to be no "waters of the minary JD is not appealable
D	Ø	Approved J Check all th			n appealab	le action (Ref	erence 33 CFR part 331).	
		There are the reviewe	re "navi d area.	gable waters of the Approximate size	e United S of jurisdi	States" (as def	ined by 33 CFR part 329 and	associated guidance) within
		There are reviewed ar	e "wate ea. App	ers of the United S proximate size of	States" (as jurisdiction	defined by 3: nal area:0	CFR part 328 and associate 22-acres	d guidance) within the
		There ar		ated, non-navigab Decision support Jurisdiction.	le, intra-st ed by SW	tate waters or ANCC/Migra	wetlands" within the review ory Bird Rule Information S	ed area. heet for Determination of No
BASIS	s o	F JURISDI	CTION	AL DETERMI	NATION:			
	j	Waters defi The presenc	i <b>ned un</b> e of wat	der 33 CFR parters that are subje	329 as "not to the eb	b and flow of	ers of the United States": the tide and/or are presently or foreign commerce.	used, or have been used in
В		Waters defi	ned un	der 33 CFR pari	328.3(a)	as "waters of	the United States":	
	1	(1) The pres	ence of	waters, which are	currently	used, or were	used in the past, or may be s	susceptible to use in
П	1	interstate or	foreign	interstate waters	ding all wa	iters which ar	e subject to the ebb and flow	of the tide.
	i	(3) The pres	ence of	other waters such	as intrasta	ate lakes, rive	ands.  s, streams (including interm	ittent streams), mudflats
***************************************		sandflats, we	etlands,	sloughs, prairie p	otholes, w	et meadows,	olaya lakes, or natural ponds.	the use, degradation or
		destruction (	of which	n could affect inte	rstate com	merce includ	ng any such waters (check al	I that apply):
		(i) wind	n which	fish or shellfish	re or coul	d be taken and	velers for recreational or other I sold in interstate or foreign	er purposes. commerce.
	-	∐ (iii) wh	ich are	or could be used t	or industri	al purposes b	industries in interstate com	merce.
				of waters otherwis a tributary to a w				
				a inbutary to a w territorial seas.	ater identii	neu iii (1) – (4	j above.	
X	1				t <sup>2</sup> to other	waters of the	US, except for those wetland	s adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands located within 100-yr floodplain of Bear Creek a tributary to Buffalo Bayou, a navigable water of the United States.

Latera	NUMBER: D-17610  I Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver
Ba Sa Sa Sa Sa Sa Sa Sa Sa Sa S	Sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Oliver	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _revision, Oct 24, 2005 _, prepared by (company): Berg  This office does not concur with the delineation report, dated _, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Hedwig Village, Tx  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geologica

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FII	LE N OJE Sta Cou Cer App Nea	CT OFFICE: CESWG UMBER: D-17659 CT LOCATION INFORMATION: te: Texas unty: Harris ter coordinates of site (latitude/longitude): 29° 38′ 37″N, 95° 02′ 34″W proximate size of area (parcel) 61-ac urest Waterway: Little Cedar Bayou the of watershed: West Galveston Bay
JUI		ICTIONAL DETERMINATION  npleted: Desktop determination  Date: 01/10/06  Site visit(s) Date(s):
	Jur	isdictional Determination (JD):
		Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BAS		F JURISDICTIONAL DETERMINATION:
	A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	B. <b>■</b>	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interaction or foreign appropriate larger all the past, or may be susceptible to use in
		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
		<ul> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) − (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   destruction of terrestrial vegetation   tidal gages   other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Railroad drainage ditch Other (explain):
Environm  In the second of the	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _revision, _, prepared by (company):  This office does not concur with the delineation report, dated _16 Aug, 2005_, prepared by (company): Crouch ental  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995, 1982, 1967, 1955, 1944, 1920,La Porte, Tx  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Sur

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-18020

# PROJECT LOCATION INFORMATION:

State:

TX Lavaca

County:

Center coordinates of site (latitude/longitude):

29° 19' 15"N, 96° 42' 27"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Navidad River

Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 01-11-06

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Navidad River is a water (tributary system) of the US and subject to Section 404. This location is located upstream of the limits of navigable waters (as it pertains to Section 10 of the Rivers and Harbors Act).

2 FILE NUMBER: D-18020 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects
fine shell or debris deposits (foresho the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is:
Aerial Photographs (Name & Date
Other photographs (Date): (NGVD) Aerial Photographs (Name & Date): 1995

shelving

other:

United States:

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

 $\Box$ 

П

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: NUMBER:	CESWG-PE-RC D-16724		
Sta Co Ce Ap Na	ate: Texas cunty: Calhoun nter coordinates of sit proximate size of are une of nearest waterw une of watershed: Cer	te (latitude/longitude): a (parcel) reviewed, ind ay: Keller Bay	cluding	28° 38' 15"N, 96° 27' 29"W g uplands: Unknown.
	DICTIONAL DETE ompleted: Desktop of Site visit(	determination 🔀	3	Date: 11 January 2006 Date(s):
Ju	risdictional Determi	nation (JD):		
×	Preliminary JD - Ba	ased on available inform or "navigable waters of	mation f the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
<u> </u>	Approved JD – An Check all that apply	approved JD is an appe	ealable	action (Reference 33 CFR part 331).
	There are "navig the reviewed area.	gable waters of the Uni Approximate size of ju	ited Sta	ites" (as defined by 33 CFR part 329 and associated guidance) within items area:
	There are "water reviewed area. App	ers of the United States' proximate size of jurisd	" (as d lictiona	efined by 33 CFR part 328 and associated guidance) within the l area:
		nted, non-navigable, into Decision supported by Jurisdiction.	tra-stat SWAI	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (A.	Waters defined une The presence of water	ers that are subject to the	as "na he ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
B.	<ul><li>(1) The presence of interstate or foreign</li><li>(2) The presence of interstate or foreign</li></ul>	waters, which are curre commerce, including a interstate waters includ	ently us all wate ling int	"waters of the United States": sed, or were used in the past, or may be susceptible to use in rs which are subject to the ebb and flow of the tide. erstate wetlands.
	destruction of which  (i) which are or  (ii) from which  (iii) which are o  (4) Impoundments or	sloughs, prairie potholo could affect interstate could be used by inters fish or shellfish are or or could be used for ind f waters otherwise defi- a tributary to a water id	es, wet comm state or could l lustrial ined as	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply):  foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce.  waters of the US.  d in (1) – (4) above.
Ø	(7) The presence of v	wetlands adjacent <sup>2</sup> to or	ther wa	aters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent because they are contiguous with the Keller Bay, a navigable water of the United States, subject to the ebb and flow of the daily tide. The wetlands also appear to be subject to the ebb and flow of the daily tide.

FILE NUMBER: D-16724 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ford Surveying Firm **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the data forms, dated , prepared by (company):

This office does not concur with the delineation report, dated \_\_\_\_\_\_, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Olivia, Tx U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Calhoun County, Texas National wetlands inventory maps: Olivia, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4800970059 C (January 3, 1985) 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Infrared Aerial Photograph/DOQQ – Olivia, TX- 1995
Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	OFFICE: CESWG-PE-RC IBER: D-17835		
State: T County Center Approx Name of	LOCATION INFORMATION: Texas  : Liberty County coordinates of site (latitude/longitude timate size of area (parcel) reviewed, of nearest waterway: Cherry Creek of watershed: Lower Trinity		
	TIONAL DETERMINATION eted: Desktop determination Site visit(s)		Date: 12 January 2006 Date(s):
Jurisdi	ctional Determination (JD):		
Ur	eliminary JD - Based on available infinited States" and/or "navigable waters eference 33 CFR part 331).	formation s of the U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	oproved JD – An approved JD is an a neck all that apply:	ppealable	e action (Reference 33 CFR part 331).
	There are "navigable waters of the le reviewed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
rev	There are "waters of the United Starviewed area. Approximate size of jur	tes" (as o	defined by 33 CFR part 328 and associated guidance) within the al area:
×			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS OF J	JURISDICTIONAL DETERMINA	TION:	
☐ Th	aters defined under 33 CFR part 3 e presence of waters that are subject e past, or may be susceptible for use t	to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
(1) int (2) (3)	erstate or foreign commerce, including The presence of interstate waters inc The presence of other waters such a	urrently ung all wat cluding ir s intrasta	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands <sup>1</sup> .  It lakes, rivers, streams (including intermittent streams), mudflats,
sar de: 	ndflats, wetlands, sloughs, prairie pot struction of which could affect interst (i) which are or could be used by ir (ii) from which fish or shellfish are	holes, we tate commenterstate of or could industriad	et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  I be taken and sold in interstate or foreign commerce.  Il purposes by industries in interstate commerce.  Is waters of the US.
<b>(</b> 6)	The presence of territorial seas.		vaters of the US, except for those wetlands adjacent to other wetlands.
Rationa	ale for the Basis of Jurisdictional D	etermina	ation (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	FILE NUMBER: D-17835					
Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)					
	Tight ride blife indicated by:					
	clear, natural line impressed on the bank oil or scum line along shore objects					
	the presence of litter and debris  fine shell or debris deposits (foreshore)  changes in the character of soil  physical markings/characteristics					
	<del></del>					
	destruction of terrestrial vegetation					
	☐ shelving ☐ other:					
	ounci.					
П	Mean High Water Mark indicated by:					
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.					
	y regeration types.					
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:					
_						
	is For Not Asserting Jurisdiction:					
밁	The reviewed area consists entirely of uplands.					
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).					
K	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).					
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:					
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.					
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and					
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or					
	rice growing.					
	Artificial reflecting or swimming pools or other small ornamental bodies of water created					
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.					
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for					
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is					
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR					
	328.3(a).					
	Isolated, intrastate wetland with no nexus to interstate commerce.					
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:					
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):					
	Other (explain).					
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):					
×	Maps, plans, plots or plat submitted by or on behalf of the applicant.					
	Data sheets prepared/submitted by or on behalf of the applicant.					
	This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):					
	This office does not concur with the delineation report, dated, prepared by (company):					
	Data sheets prepared by the Corps.					
	Corps' navigable waters' studies:					
	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1997 Rayburn, Tx.					
	U.S. Geological Survey 7.5 Minute Topographic maps: 1997 Rayburn, 1x. U.S. Geological Survey 7.5 Minute Historic quadrangles:					
	U.S. Geological Survey 15 Minute Historic quadrangles:					
靣	USDA Natural Resources Conservation Service Soil Survey:					
$\boxtimes$	National wetlands inventory maps: National Wetland Inventory map Rayburn, Tx. 1997					
	State/Local wetland inventory maps:					
$\boxtimes$	FEMA/FIRM maps (Map Name & Date): Liberty County, Texas Panel 75 of 325 effective date September 30, 1988.					
	100-year Floodplain Elevation is: (NGVD)					
$\boxtimes$	Aerial Photographs (Name & Date): 1995 Rayburn, Tx. DOQQ					
	Other photographs (Date):					
	Advanced Identification Wetland maps:					
	Site visit/determination conducted on:					
	Applicable/supporting case law:  Other information (places precific)					
	Other information (please specify):					

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE PROJ S C C A	RICT OFFICE: CESWG NUMBER: D-17837 ECT LOCATION INFORMATION: tate: Texas ounty: Harris enter coordinates of site (latitude/longitude): 29° 36′ 25″N, 95° 16′ 01″W pproximate size of area (parcel) N/A earest Waterway: Clear Creek ame of watershed: West Galveston Bay
	SDICTIONAL DETERMINATION  ompleted: Desktop determination
J	urisdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Σ	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A E	and the control of the part of the maters of the Office States.
	" " " " " " " " " " " " " " " " " " "
R	tionale for the Rasis of Jurisdictional Detarmination (applies to any horse should all any).

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral	UMBER: D-17837 Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	destruction of terrestrial vegetation
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas X	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland Drainage Ditch Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _revision, _, prepared by (company):  This office does not concur with the delineation report, dated _, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Pearland, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute His

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

29° 12' 55" N, 95° 12' 35" W

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 09339(07)

PROJECT LO	CATION INFORMATION:
State:	Texas
County:	Brazoria
Center coor	rdinates of site (latitude/longitude):
A	4:6 (1):

Approximate size of area (parcel) reviewed, including uplands: 6.77 acres.

Name of nearest waterway: Chocolate Bayou Name of watershed: HUC Code: 12040204

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Completed: Desktop determination
Site visit(s)

Date: 13 January 2006
Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\$ there appear to be (or) \( \square\$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

- Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.67 acres.
  - There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.67 acres.
  - There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Chocolate Bayou is a federally maintained navigation channel. It is subject to the ebb and flow of the tides and is therefore a navigable water of the United States.

2 **FILE NUMBER: 9339(07)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the de Data sheets prepared by the Corps.
Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topogram U.S. Geological Survey 7.5 Minute Historical U.S. Geological Survey 15 Minute Historical U.S. Geological Survey 15 Minute Historical USDA Natural Resources Conservation Ser National wetlands inventory maps: Hoskins State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (Naerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: This office does not concur with the delineation report, dated , prepared by (company): U.S. Geological Survey 7.5 Minute Topographic maps: Hoskins Mound, Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Hoskins Mound, Texas Quadrangle (NGVD)

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): DA Permit 9339 as amended.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

		T OFFICE: CESWG-PE-RC MBER: D-17841					
PRC	Cour Cent Appr Nam	T LOCATION INFORMATION:  :: Texas  nty: Harris County  er coordinates of site (latitude/longitude): 29° 55' 06"N, 95° 50' 26"W (NAD27)  roximate size of area (parcel) reviewed, including uplands:					
JUF	Con	ICTIONAL DETERMINATION  ppleted: Desktop determination     Site visit(s)  Date: 13 January 2006  Date(s):					
	Juri	sdictional Determination (JD):					
		Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
	×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.25 acre					
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
BA	SIS ( A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
	B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.					
		(2) The presence of interstate waters including interstate wetlands:  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.					
		(A) Impoundments of waters otherwise defined as waters of the US.					
	X	<ul> <li>(4) Impoundations of a tributary to a water identified in (1) – (4) above.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>					
		(7) The presence of wetlands adjacent' to other waters of the US, except for those wetlands adjacent to other waters					
		1					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Cypress Creek is a tributary of Spring Creek. Spring Creek flows into the West Fork San Jacinto River, which flows into the San Jacinto River, which is a navigable water of the United States.

Ι.,	tonal Entent of Tout II di (D. C	FILE NUMBER: D-17841
Σ.	teral Extent of Jurisdiction: (Reference: 33 CFR par Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	ts 328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings	; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
Bas	Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavatir retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel urabandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no nexus to in	basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the  ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased.  In gand/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  er small ornamental bodies of water created  water for primarily aesthetic reasons.  acidental to construction activity and pits excavated in dry land for  neless and until the construction or excavation operation is  ets the definition of waters of the United States found at 33 CFR  atterstate commerce.  E Natural Resources Conservation Service, Explain rationales
	EVIEWED FOR JURSIDICTIONAL DETERMIN Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation re Data sheets prepared by the Corps.  Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrangle U.S. Geological Survey 15 Minute Historic quadrangle USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: National Wetland I State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris Coun 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Warren Lake Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	the applicant. applicant. ted, prepared by (company): eport, dated, prepared by (company):  : 1977 Warren Lake es: es: urvey: nventory map Warren Lake, Tx. 1999  ty, Texas Panel 390 of 1135

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 21839(01)

### PROJECT LOCATION INFORMATION:

State: Texas
County: Galveston

Center coordinates of site (latitude/longitude): 29 18' 09"N, 94 55' 18"W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: Jones Bay Name of watershed: West Galveston Bay

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 17 January 2006

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Jones Bay is a navigable water of the United States.

**FILE NUMBER: 21839(01)** 

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial photograph
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATAI	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Virginia Point  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TxGLO 2002  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:
Ø	Other information (please specify): DA, Galveston District Permit 21839; Galveston District Navigable Waters List

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17995

### PROJECT LOCATION INFORMATION:

State:

Texas Brazoria

County:

Center coordinates of site (latitude/longitude):

28° 52′ 32″N, 95° 22′ 41″W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Brazos River Name of watershed: Brazos River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

 $\boxtimes$ 

Date: 17 January 2006

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Brazos River Basin is comprised of twelve reservoirs including Possum Kingdom Lake, Lake Limestone, Lake Granbury, Lake Alan Henry, Lake Belton, Lake Stillhouse Hollow, Lake Proctor, Lake Whitney, Aquilla Lake, Lake Georgetown, Lake Granger, and Lake Sommerville. The project area consists of waters and wetlands that are Subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

FILE NUMBER: D-17995

La ②	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
4	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Jones Creek  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soli Survey:  Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	CT OFFICE: UMBER:	Galveston I-5234				
Star Cou Cer App Nar	unty: Harris nter coordinates of si proximate size of are me of nearest waterw	te (latitude/longitude a (parcel) reviewed,	including			
	DICTIONAL DETE mpleted: Desktop Site visit	determination	X X	Date: Date(s):	01/17/06 11/09/05	
Jur	isdictional Determi	nation (JD):				•
	Preliminary JD - B United States" and (Reference 33 CFR	or "navigable waters	formation s of the U	i, <b>⊠</b> there ap United States"	pear to be (or) [ on the project si	there appear to be no "waters of the ite. A preliminary JD is not appealable
×	Approved JD – An Check all that appl	approved JD is an apy:	ppealable	e action (Refe	rence 33 CFR pa	art 331).
		igable waters of the U Approximate size of				part 329 and associated guidance) within
		ers of the United Stat proximate size of jur				nd associated guidance) within the
	There are "isolo	ated, non-navigable, Decision supported Jurisdiction.	intra-sta by SWA	ate waters or v	vetlands" within ory Bird Rule Int	the reviewed area. formation Sheet for Determination of No
RASIS (	OF JURISDICTION	NAI. DETERMINA	TION			
	Waters defined un The presence of wa	nder 33 CFR part 32	29 as "na to the ebb	and flow of	the tide and/or a	re presently used, or have been used in
B.	(1) The presence of		urrently (	ised, or were	used in the past,	es":  or may be susceptible to use in  bb and flow of the tide.
	(2) The presence of (3) The presence of sandflats, wetlands	f interstate waters inc f other waters such as , sloughs, prairie pot	cluding ir s intrastat holes, we	nterstate wetla te lakes, river et meadows, p	ınds <sup>ī</sup> . s, streams (includ laya lakes, or na	ding intermittent streams), mudflats, stural ponds, the use, degradation or ers (check all that apply):
	(i) which are of (ii) from which (iii) which are (4) Impoundments (5) The presence of (6) The presence of	or could be used by in the fish or shellfish are or could be used for of waters otherwise of a tributary to a wate of territorial seas.	nterstate of or could industriated defined a or identifi	or foreign travel be taken and all purposes by s waters of the din (1) – (4)	velers for recreat sold in interstate industries in int e US. ) above.	ional or other purposes. e or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tract has wetlands immediately adjacent to Clear Creek a water of the United States.

	2
FILE NUME	BER: I-5234
Lateral Ord	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  dinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mea	an High Water Mark indicated by: survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
Wet Nor	tland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: thrup Associates, Inc.
The Una Head	reviewed area consists entirely of uplands. bible to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). dquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ted States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
Associates, Inc Data Data Corp U.S. U.S. U.S. U.S. V.S. Autic State. FEM 100-y Aeria Other Adva Site v Appli	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): s, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated _November 2, 2005, prepared by (company): Northrup c.  This office does not concur with the delineation report, dated, prepared by (company): sheets prepared by the Corps. ss' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Pearland A Natural Resources Conservation Service Soil Survey: onal wetlands inventory maps: Pearland VLocal wetland inventory maps: A/FIRM maps (Map Name & Date): 48201C1035 K, April 20,2000 year Floodplain Elevation is: 13 (NGVD) al Photographs (Name & Date): 1953 B&W, 1969 B&W,1976 B&W,1989 CIR, 1996 CIR, 2001 CA, 2003CIR, r photographs (Date): unced Identification Wetland maps: visit/determination conducted on: 11/19/05 icable/supporting case law: r information (please specify): 2002 2-ft Contour Map,

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16934

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29-58-3.9425 N

Long: 95-9-38.8543 W

Approximate size of area (parcel) reviewed, including uplands: 350 acres.

Name of nearest waterway: Tributary to Lake Houston Name of watershed: West Fork San Jacinto River

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 17 January 2006 Date(s): 29 April 2005

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the or the there appear to be no "waters of the or the or the or the there appear to be no "waters of the or United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: unknown.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed tributary flows into Lake Houston, a water of the United States that flows into the San Jacinto River, a navigable water of the United States.

Ls	ateral Ex	tent of Jurisdiction: (Reference: 33 CFR parts	220 - 1220	FILE NUMBER: D-1693						
×	Ordina	ry High Water Mark indicated by:		igh Tide Line indicated by:						
		lear, natural line impressed on the bank ne presence of litter and debris	Ļ	oil or scum line along shore objects						
		hanges in the character of soil	Ė	fine shell or debris deposits (foreshore) physical markings/characteristics						
	⊠ d	estruction of terrestrial vegetation	בֿ	itidal gages						
	⊠ sl	nelving	Ī	other:						
	□ 01	ther:								
	Mean H	ligh Water Mark indicated by:								
	☐ surv	vey to available datum;   physical markings; [	vegetatio	on lines/changes in vegetation types.						
	wetian	d boundaries, as snown on the attached wetland	delineation	map and/or in a delineation report prepared by:						
		ot Asserting Jurisdiction:								
	The rev	iewed area consists entirely of uplands.								
\$	Unable	to confirm the presence of waters in 33 CFR pa	rt 328(a)(1,	2, or 4-7).						
Ö	The Co	arters declined to approve jurisdiction on the ba	SIS 01 33 CF the followir	R part 328.3(a)(3).  In section of the site are not Waters of the						
	United	States:	aic followin	ig waters present on the site are not waters of the						
		Waste treatment systems, including treatment po	onds or lago	oons, pursuant to 33 CFR part 328.3.						
	ш.	Artificially irrigated areas, which would revert t	o upland if	the irrigation ceased						
		Artificial lakes and ponds created by excavating	and/or diki	ng dry land to collect and						
		rice growing.	such purpos	ses as stock watering, irrigation, settling basins, or						
		Artificial reflecting or swimming pools or other	small ornar	nental hodies of water created						
		by excavating and/or diking dry land to retain w	ater for prin	narily aesthetic reasons						
		Water-filled depressions created in dry land inci	dental to co	instruction activity and pits excavated in dry land for						
	1	the purpose of obtaining fill, sand, or gravel unle	ess and unti	I the construction or excavation operation is						
	3	328.3(a).	s the definit	cion of waters of the United States found at 33 CFR						
		Isolated, intrastate wetland with no nexus to inte	rstate comn	nerce.						
		Prior converted cropland, as determined by the N	Natural Reso	ources Conservation Service. Explain rationale:						
		Non-tidal drainage or irrigation ditches excavate	d on dry lar	nd Explain rationale:						
		Other (explain):	a on ary rar	13. Explain fationale.						
DATA R	REVIEW	ED FOR JURSIDICTIONAL DETERMINA	TION (mai	rk all that apply).						
<b>X</b>	Maps, pl	lans, plots or plat submitted by or on behalf of the	ne applicant							
$\boxtimes$	Data she	ets prepared/submitted by or on behalf of the ap	plicant.							
	⊠ This	office concurs with the delineation report, date	d 8 April 20	005, prepared by (company): SWCA Environmental						
100	Data she	office does not concur with the delineation reported by the Corps.	ort, dated	, prepared by (company):						
<u> </u>	Corps' n	avigable waters' studies:								
	U.S. Geo	ological Survey Hydrologic Atlas:								
翼	U.S. Geo	ological Survey 7.5 Minute Topographic maps: I	Harmaston,	Tex. 1982						
	U.S. Geo	ological Survey 7.5 Minute Historic quadrangles	:							
	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:									
	National	wetlands inventory maps:	vcy.							
数	State/Loc	cal wetland inventory maps:								
	FEMA/F	IRM maps (Map Name & Date): Harris County	FIRM Pane	el 510 of 1135 dated 6 November 1996						
		Floodplain Elevation is: (NGVD) notographs (Name & Date): 1995 Infrared Aeria	1							
	Other nh	otographs (Name & Date): 1995 Intrared Aeria otographs (Date):	1							
画	Advance	d Identification Wetland maps:								
図	Site visit	determination conducted on: 23 March and 29 A	April 2005							
	Applicab	le/supporting case law:								
(31	Otner inf	ormation (please specify).								

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston FILE NUMBER: D-17703 PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): 29° 38′ 12″N, 95° 07′ 25″W Approximate size of area (parcel) reviewed, including uplands: \_\_140\_\_\_\_ acres. Name of nearest waterway: Armand Bayou Name of watershed: West Galveston Bay JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 01/17/06 Site visit(s) Date(s): 11/03/05 and 11/16/05 Jurisdictional Determination (JD): Preliminary JD - Based on available information, Mthere appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Marcher are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_16.78-acres\_wetlands, 1.25-H2O\_ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Armand Bayou is a tributary to Clear Lake a navigable water of the United States.

	2								
FILE N	NUMBER: D-17703								
La ⊠	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank  □ the presence of litter and debris  □ changes in the character of soil  □ destruction of terrestrial vegetation  □ shelving  □ other:	329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:							
×	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☒ veget	ration lines/changes in vegetation types.							
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ecology and Environmental Inc.								
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follounited States:  Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing.  Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the decay 328.3(a).  Isolated, intrastate wetland with no nexus to interstate of Prior converted cropland, as determined by the Natural Invontidal drainage or irrigation ditches excavated on dry Other (explain):	CFR part 328.3(a)(3).  In the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3.  If if the irrigation ceased, diking dry land to collect and reposes as stock watering, irrigation, settling basins, or mamental bodies of water created primarily aesthetic reasons.  It construction activity and pits excavated in dry land fountil the construction or excavation operation is finition of waters of the United States found at 33 CFR operation.  Resources Conservation Service. Explain rationale:							
(company	REVIEWED FOR JURSIDICTIONAL DETERMINATION ( Maps, plans, plots or plat submitted by or on behalf of the applicant.  ☐ This office concurs with the delineation report, dated _June y): Ecology and Environmental Inc.  ☐ This office does not concur with the delineation report, date Data sheets prepared by the Corps.  Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: La Porte State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 48201C0902J 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 11/03/05 and 11/16/05 Applicable/supporting case law: Other information (please specify): Consultant's report	cant.  2005, December 1, 2005 and Jan 17, 2006, prepared by d, prepared by (company):							

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

		UMBER:			-PE-RO	C			
1	Stat Cou Cen App Nan	e: Texas nty: Harri ter coordi proximate ne of near ne of wate	is Coun nates of size of est water	ty f site (l area (p erway:	atitude arcel) Turke	:/longiti reviewe y Creek	ed, inc	29° 3 cludir	n5' 47"N, 95° 12' 09"W (NAD83) ng uplands: <u>19</u> acres.
		ICTIONA		op dete			X X		Date: 18 January 2006 Date(s): 17 January 2006
	Juri	sdictiona	l Deter	minati	on (JI	D):			
		Prelimina	ary JD - tates" a	· Based nd/or "	on av	ailable ible wat	inforn ers of	natio Tthe	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
I	Ø	Approved Check all	d JD – A l that ap	An app	roved.	JD is ar	appe	alabl	le action (Reference 33 CFR part 331).
		There	e are "n wed are	avigabl a. App	e wate	rs of th ate size	e Unit of jui	ted S	states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		There reviewed	are "w area. A	aters o Approx	f the U	Inited S size of	tates" urisdi	' (as ictior	defined by 33 CFR part 328 and associated guidance) within the nal area:
		<b>⊠</b> There	are "is	Dec	non-neision s	support	le, inti ed by	ra-sta SWA	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A		The prese	lefined nce of v	under waters	33 CF that are	R part	329 a	is "n ie eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
		(1) The printerstate (2) The price (2) The price (3) The price (3) The price (3) William (4) Impour (5) The price (6) The price (6) The price (2) The price (3) The price (4) Impour (5) The price (6) The price (6) The price (7) The price (8) The price (8	resence or foreir resence resence wetland on of which are rom wh which a undment resence	of wat gn con of inte of other ds, slou cich con cor cou ich fish re or cou ich fish of a tri of terri	ers, whenever water water ghs, puld affold be a or should be aters or butary torial:	nich are e, includ waters i ers such rairie p ect inte- used by ellfish a e used fo therwis to a waseas.	curre ling a nclud as int othole rstate inters re or o or ind e definater id	ently ill wa ing in crasta es, we come state could ustria ned a entif	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. If be taken and sold in interstate or foreign commerce, all purposes by industries in interstate commerce. It is waters of the US. It is interstate to the total recreations waters of the US, except for those wetlands adjacent to other wetlands.
R	<b>atic</b> ater	nale for	the Bas nd is no	is of Ju	urisdio a navi	cti <mark>onal</mark> gable n	Deter	mina of the	ation (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	FILE NUMBER: D-17091
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas X	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: The site contains an upland cut drainage ditch that does not extend the ordinary high water mark of Turkey Creek.  Other (explain):
quadrangi N N N N N N N N N N N N N N N N N N N	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1925, 1955, and 1995 U.S.G.S Friendswood, Tx. topographic le and the 1943 Genoa, Tx. topographic quadrangle.  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey: 1976 Harris County  National wetlands inventory maps: National Wetland Inventory map Friendswood, Tx. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date: Harris County, Texas Panel 1055 of 1135 effective date April 20, 2000).  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Friendswood, Tx. DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 17 January 2006  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17778

PR	O.	JF.	CT	T	O.	$C_{\ell}$	١,	ΤI	O	N	I	IN	JI	7	1	21	V	Δ	T	T	7	N	•

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29° 41' 22"N, 95° 34' 13"W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Brays Bayou Name of watershed: Brays bayou

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 18 January 2006

Site visit(s)

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date(s):

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17778

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATAB	Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Alief  U.S. Geological Survey 15 Minute Historic quadrangles: 1982 & 1955 Alief  U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Digital Alief  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): April 2000 Harris County  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ & 2004 Color  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-17028

### PROJECT LOCATION INFORMATION:

State: Texas County: Cameron

Center coordinates of site (latitude/longitude): 25-55-26.58 97-28-34.69 Approximate size of area (parcel) reviewed, including uplands: approx. 10 acres.

Name of nearest waterway: Resaca de la Palma

Name of watershed: Rio Grande

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 18 January 2006 Site visit(s) Date(s):

### Jurisdictional Determination (JD):

4	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the or the content of the content o
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

1 T 1 1 6 7 1 T 1 T 1 7 0 0 00 00 00 00 00 00 00 00 00 00 00	FILE NUMBER: D-1702
	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vege	etation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
rice growing.  Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water fo  Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and	33 CFR part 328.3(a)(3). lowing waters present on the site are not Waters of the r lagoons, pursuant to 33 CFR part 328.3. Indigital ind
Non-tidal drainage or irrigation ditches excavated on d Other (explain):	ry land. Explain rationale:
REVIEWED FOR JURSIDICTIONAL DETERMINATION  Maps, plans, plots or plat submitted by or on behalf of the app  Data sheets prepared/submitted by or on behalf of the applican  This office concurs with the delineation report, dated  This office does not concur with the delineation report, da  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: East B  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey: O  National wetlands inventory maps: East Brownsville  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): City of Brownsville,  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:	licant.  it.  , prepared by (company): ted  , prepared by (company):  rownsville  Cameron County
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:    Mean High Water Mark indicated by:   survey to available datum;   physical markings;   veget wetland boundaries, as shown on the attached wetland delined is for Not Asserting Jurisdiction:   The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328( Headquarters declined to approve jurisdiction on the basis of 3 The Corps has made a case-specific determination that the fol United States:   Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplay Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing.   Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and abandoned and the resulting body of water meets the days. 3(a).   Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on dother (explain):    REVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant sheets prepared/submitted by or on behalf of the applicant sheets prepared by the Corps.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 23996

PR(	LIFCT	LOCA	TION	INFOR	MA	TION.

State: Texas

County: Matagorda County

Center coordinates of site (latitude/longitude): 28° 47' 20" N, 95° 39' 44" W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Caney Creek

Name of watershed: Huc Code: 12090402, East Matagorda Bay

### JURISDICTIONAL DETERMINATION

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney creek is a tidal, navigable body of water contiguous with the GIWW. It is therefore a navigable water of the Unites States.

FILE NUMBER: 23996

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
M	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Texas Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Assume Historic Soil Survey:  National wetlands inventory maps: Sargent, Texas Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date): Photos from the applicant submitted with the application form.  Advanced Identification Wetland maps:  Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify): Multiple other DA Permits along Caney Creek

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 24068** 

### PROJECT LOCATION INFORMATION:

State:

Texas

Jefferson

County: Center coordinates of site (latitude/longitude):

Lat: 29.49.30 Long: 93.57.51

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Gulf Intracoastal Waterway

Name of watershed: Sabine Lake

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 19 January 2006

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits the content of the limits and the limits are content of th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: 24068** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark indicated by:

High Tide Line indicated by:

\$ <del>******</del>	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation  clear, natural line impressed on the bank fine shell or debris deposits (foreshore) physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other.
[3]	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
<u> </u>	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Other (explain).
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
×	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
<u> </u>	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: Port Arthur South
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
8	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
圖	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 24030

State: Texas County: Polk

Center coordinates of site (latitude/longitude): Lat: 30.50.00 Long: 95.08.25

Approximate size of area (parcel) reviewed, including uplands: 0.11 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date: 19 January 2006

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24030

La	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	2.02
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepare	d by:
Bas	United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling barice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain ration	sins, or y land for is 33 CFR
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>	
	Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Carlisle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Atlanta Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:	
	Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-06-12-002

-	 TO THE EAST.	<b>.</b>	00-12-002	

PROJECT LOCATION INFORMATION:

State: Texas County: Liberty

Center coordinates of site (latitude/longitude): Lat: 29.57.09 Long: 94.45.38

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Adolf Bayou Name of watershed: Trinity River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 20 January 2006
Site visit(s) Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Adolf Bayou is a named waterway on the USGS maps. Adolf Bayou connects to the Trinity River approximately 5 miles southwest of the project area.

**FILE NUMBER: SWG-06-12-002** 

L: ■	Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Ra Ra Ra Ra Ra Ra Ra Ra Ra Ra Ra Ra Ra	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Moss Bluff  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Histo
	Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-18171

PROJECT LOCATION INFORMATION	PRO	DJECT	LOCA	TION	INFO	RMA	TION
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State: Texas County: San Jacinto

Center coordinates of site (latitude/longitude): N30.7603 / W95.1903 Approximate size of area (parcel) reviewed, including uplands: 0.003 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

JURIS:	DICT	IONAL	DETE	ERMIN	ATION
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Completed: Desktop determination Date: 1/20/06 Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Ш	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.003 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate wettands.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

II F NIIMPED.

tourist 4 4 CT 1 H d 4 CD 0	FILE NUMBER: 2400
Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and 329)  High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland d	elineation map and/or in a delineation report prepared by:
Headquarters declined to approve jurisdiction on the basi The Corps has made a case-specific determination that th United States:  Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing.  Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unles abandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to inter- Prior converted cropland, as determined by the Na	s of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of the site are not Waters of the site of lagoons, pursuant to 33 CFR part 328.3. The part 328.3 cupland if the irrigation ceased. The part 328.3 cupland is a set of the irrigation, settling basins, or settling basins, or mall ornamental bodies of water created the for primarily aesthetic reasons. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation ceased. The part 328.3 cupland is a set of the irrigation c
Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:
Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app   This office concurs with the delineation report, dated  This office does not concur with the delineation report Data sheets prepared by the Corps.  Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: C. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Surv National wetlands inventory maps: State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:	e applicant.  Ilicant.  , prepared by (company):  rt, dated  , prepared by (company):  arlisle, TX
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:    Mean High Water Mark indicated by:   Survey to available datum;   physical markings;   Wetland boundaries, as shown on the attached wetland dispension of the reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part Headquarters declined to approve jurisdiction on the basis. The Corps has made a case-specific determination that the United States:   Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for surice growing.   Artificial reflecting or swimming pools or other suby excavating and/or diking dry land to retain water water and which are used exclusively for surice growing.   Artificial reflecting or swimming pools or other suby excavating and/or diking dry land to retain water and water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a).   Isolated, intrastate wetland with no nexus to interse Prior converted cropland, as determined by the National decention of the parties office does not concur with the delineation report, dated This office concurs with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated Users' studies: U.S. Geological Survey 17.5 Minute Topographic maps: Carlor of the purpose of t

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 24066

PROJECT	LOCATION	INFORMATION:
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State: Texas County: San Jacinto

Center coordinates of site (latitude/longitude): N30.7603 / W95.1903 Approximate size of area (parcel) reviewed, including uplands: 0.003 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 1/20/06
Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \subseteq there appear to be no "waters of the order to be the order to be no "waters of the order to be the order to be no "waters of the order to be no "waters" or "waters of the order to be no "waters" or "waters of the order to be no "waters" or "waters"
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.003 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

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Lat	Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   destruction of terrestrial vegetation   other:
Ø	Mean High Water Mark indicated by:  ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Carlisle, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.